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OEA

SERVICE DATE – MAY 22, 2012

SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-1090X

**City of Alameda d/b/a Alameda Belt Line Railroad - Abandonment Exemption - in
Alameda County, Cal.**

BACKGROUND

In this proceeding, the City of Alameda d/b/a Alameda Belt Line Railroad (railroad) filed a notice under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Alameda County, California (CA). The rail line proposed for abandonment is an approximately 2.61-mile segment between Milepost 0.0, near the intersection of Clement Avenue and Broadway, and Milepost 2.61, near Constitution Way, in the City of Alameda, CA (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

Based on the railroad's environmental report, the Line is located in an urbanized area in the City of Alameda (City). The Line lies roughly parallel to the Alameda Harbor and Tidal Canal. Portions of the Line are also located in city streets or within the rights-of-way of city streets. According to the railroad, there is one structure on the Line that may be 50 years of age or older. The structure is a small wood frame building that was used by railroad workers but was neither a depot nor a station. The railroad states that the building has no historic significance.

No local rail traffic has moved on the Line for over 10 years, and there is no overhead traffic on the line. Therefore, rail traffic would not be diverted to truck traffic. The railroad is not aware of any hazardous waste sites on the Line that would be affected by the proposed abandonment. The City has proposed interim trail use of the Line from Milepost 0.0 to Milepost 1.85.

The first 1.2 miles of the Line were originally constructed by the City in 1918. The City sold the Line to The Alameda Belt Line (ABL) in 1925 and ABL subsequently completed construction of the Line to its final length of 3.44 miles. In 1975, ABL received authority to abandon 0.83 miles (i.e., Milepost 2.61 to Milepost 3.44). Through a series of mergers, ownership of the Line's remaining 2.61 miles was acquired jointly by the BNSF Railway Company and Union Pacific Railroad Company. In 2001, the last rail customer ceased use of the

Line. The City subsequently reacquired the Line and recently chose to seek abandonment authority.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. The railroad served the environmental report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ OEA reviewed and investigated the record in this proceeding.

Diversion of Traffic

Because there is no rail traffic on the Line, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

The railroad's environmental report does not provide a description of potential salvaging activities but suggests that the removal any remaining track equipment may not occur prior to consummating the abandonment.

Based on its review of planning documents and consultations with local and regional planning officials, the railroad believes the proposed abandonment would be consistent with existing land use plans of the City.

The Natural Resources Conservation Service (NRCS) has not responded to the railroad's environmental report. However, because of the urban setting of the Line, OEA does not anticipate that the proposed abandonment would affect resources protected under the Federal Farmland Protection Policy Act (7 U.S.C. § 4201). Nevertheless, OEA has provided a copy of this EA to the NRCS for review and comment.

The U.S. Fish and Wildlife Service, Region 8 states that it has no comments on the proposed abandonment. Likewise, because of the urban setting of the Line, OEA does not anticipate that the proposed abandonment would have any impact on endangered or threatened species, or on any area designated as a critical habitat.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-1090X.

The U.S. Army Corps of Engineers – South Pacific Division (Corps) states that it has no objections to the proposed abandonment. OEA notes that the proposed abandonment does not appear to involve work in navigable waters nor the placement of fill material in wetlands or other waters of the United States. Therefore, the Department of the Army permits under section 10 of the Rivers and Harbors Act (33 U.S.C. § 403) and section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required. Nevertheless, OEA has provided a copy of this EA to the Corps for review and comment.

The U.S. Environmental Protection Agency, Region 9 (USEPA) has not responded to the railroad's environmental report. OEA has provided the USEPA with a copy of this EA for review and comment.

The National Geodetic Survey (NGS) advises OEA that 14 geodetic station markers have been identified that could be affected by the proposed abandonment. Accordingly, OEA recommends a condition that requires the railroad to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

The proposed abandonment appears to be located within the CA Coastal Zone and may be subject to a Federal Consistency review under the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*). OEA notes, however, that rail line abandonments are not on the "List of Federal Licenses and Permits Subject to Certification for Consistency," as published by the CA Coastal Commission. Pending clarification on this matter, OEA recommends a condition pertaining to Federal Consistency review requirements. On a related topic, the railroad states that the removal or replacement of tracks (from those portions of the Line within 100 feet of the Alameda Harbor and Tidal Canal) would require the review and approval by the San Francisco Bay Conservation and Development Commission (SFBCDC). The railroad states intent to obtain any necessary approvals from the SFBCDC and OEA recommends a condition regarding SFBCDC approval. OEA has provided the CA Coastal Commission and SFBCDC with copies of this EA for review and comment.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the California Office of Historic Preservation (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO replies in a January 20, 2012 letter (CA SHPO Project No.: STB111129A) that it concurs with the railroad's determination of "No Historic Properties Effected."

Pursuant to the section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence,

and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> (database searched May 17, 2012) to identify federally recognized tribes that may have ancestral connections to the project area. The database identified no tribes with connections to Alameda County.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. The City of Alameda d/b/a Alameda Belt Line Railroad shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station marker.
2. The City of Alameda d/b/a Alameda Belt Line Railroad (railroad) shall retain its interest in and take no steps to alter the Line until applicable Federal Consistency review requirements under the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) are satisfied. The railroad shall report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Federal Consistency Unit of the California Coastal Commission. The railroad may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Coastal Zone Management consistency certification is obtained, if applicable, and the Board has removed this condition.
3. Prior to beginning any salvage activities, the City of Alameda d/b/a Alameda Belt Line Railroad shall consult with and obtain any necessary approvals from the San Francisco Bay Conservation and Development Commission.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations and no salvage activities), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at 202-245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, D.C. 20423.

COMMENTS

If you wish to file comments regarding this EA, please send an **original and one copy** to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1090X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at david.navecky@stb.dot.gov.

Date made available to the public: May 22, 2012.

Comment due date: June 5, 2012.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment